

REMARKS

Claims 1-12 are pending in the application. Claims 1-9 have been withdrawn and claims 10-12 stand rejected.

Rejection under 35 U.S.C §102

Claims 10-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-169879 to Seiken et al and “as evidenced by ‘Unabridged Chemical Dictionary’”. In particular, the Examiner finds that, with regard to claim 10, Seiken discloses all of the claimed limitations including that the fatty acid is obtained from palm oil, and refers to the Unabridged Chemical Dictionary as teaching that palm oil comprises 44-52% lauric acid and 13-19% myristic acid, which the Examiner asserts as reading upon the claimed range of over 60 wt% of lauric acid and myristic acid. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner.

At the outset, Applicants note that claim 10 has been amended to more clearly define that the claimed soft soap is a soft soap “containing NaCl” and that the NaCl is formed as a byproduct of reaction of said fatty acid sodium salt with said 3-chloro-2-hydroxypropanesulfonic acid sodium salt (SCHS)”. As the skilled person knows, NaCl is formed as a byproduct of the above reaction. There is also disclosure in the subject specification which provides support for the new language concerning the NaCl byproduct in the amended claims. We draw attention to the following passages in the specification which provide the support.

Disclosure commencing on description page 21 at line 20 and continuing on description page 22 to line 2 where it is stated.

“Also, in the step (b), monoglyceride sulfonate represented by Chemical Formula 1, a free fatty acid, soap content, and unreacted 3-chloro-2-hydroxypropanesulfonic acid sodium salt may be obtained, in addition to salt, depending on the situation.”

In regard to the above passage the Examiner has suggested that the salt being referred to in the term "... unreacted 3-chloro-2-hydroxypropanesulfonic acid sodium salt may be obtained *in addition to salt* (emphasis added)..." is the "salt" having chemical formula 1 (which is the reaction product) rather than "NaCl" which is a reaction byproduct. We respectfully submit that it is clear to the skilled person that the salt being referred to in the term "*in addition to salt*" mentioned above is NaCl. Since the monoglyceride sulfonate "salt" represented by chemical formula 1 is already mentioned in the first part of the above set out sentence it is implicit that the salt referred to in the term in issue "*in addition to salt*" is NaCl. As mentioned, Applicants have amended claim 10 to clarify this.

We also draw attention to the disclosure commencing at line 21 on description page 20 and ending on description page 21 which we set out below and which provides further support for the claim amendment and further information concerning the reaction that is taking place:-

"In the step (b), the fatty acid sodium salt represented by Chemical Formula 3a is reacted with 3-chloro-2-hydroxypropanesulfonic acid sodium salt to prepare a salt by substitution esterification. The reaction is controlled by the equivalent ratio of the two components, although variable depending on the kind of the fatty acid and the degree of neutralization. Preferably, the equivalent ratio of the fatty acid sodium salt represented by Chemical Formula 3a to the 3-chloro-2-hydroxypropanesulfonic acid sodium salt represented by Chemical Formula 2a is from 1:0.1 to 1:1.2. The higher the content of the 3-chloro-2-hydroxypropanesulfonic acid sodium salt, the more salt is obtained, about from 2 to 15 wt%. However, if the equivalent ratio is below 1:0.1, the salt content becomes less than 2%, so that the skin-care effect becomes insignificant. Otherwise, if it exceeds 1:1.2, excessive salt formation may cause eduction of salt out of the soap or cracking of the soap."

The skilled person would understand when reading the above text in the correct context that the information content of the passage is that “the higher the content of the 3-chloro-2-hydroxypropanesulfonic acid sodium salt *the more NaCl is obtained about from 2 to 15 wt %.*”

The disclosure further teaches that if the equivalent ratio of fatty acid sodium salt represented by formula 3a to the SCHS is below 1:0.1 the salt content becomes less than 2% so that the skin care effect becomes insignificant. This disclosure is complemented by the disclosure of examples 8 to 13 and comparative examples 13 and 14. Applicants particularly draw attention to Table 6 on description page 35 which shows that with relatively low amounts SCHS the NaCl content is only 0.8% by weight. Comparative example 14 shows that when there is relatively too much SCHS then the salt content becomes too high at 17.2 wt%.

Other relevant disclosure on this point is to be found at description page 34 lines 17-19 where it is stated “Then, 3-chloro-2-hydroxypropanesulfonic acid sodium salt (SCHS) was added at an elevated temperature to obtain a mixture solution of salt, monoglyceride sulfonate, free fatty acid, and soap ingredients. Again from the context it is clear that the “salt” being referred to is NaCl. Also please see similar disclosure at description page 14 lines 3-5 of the subject application.

Applicants note that in substantiating his objections in the Office Action dated October 6, 2008 (see the “response to arguments” section) the Examiner made reference to Table 1 in the subject specification (on description pages 26-27). The Examiner referred to examples 1-4 and indicated that the results substantiated that relatively small amounts of NaCl were added into the formulation as a separate component and were not formed as a by product in the preparation of the sodium monoglyceride sulfonate component. In response Applicants note that the embodiments exemplified in Table 1 are not part of the invention being claimed in amended claim 10 submitted herewith. As the record shows the subject application claims priority from various Korean patent applications including KR10-2002-0082938 filed 23 December, 2002. The invention claimed in current claim 10 was disclosed in the KR10-2002-0082938 priority document and Applicants enclose an English language translation of this KR10-2002-0082938 priority document.

In light of all this the Examiner will appreciate that the present application was filed by combining three priority applications where two priority applications disclosed a soap composition produced by addition of sodium chloride and that the KR 10-2002-0082938 priority document discloses that its sodium chloride is derived as a product of the reaction of the fatty acid sodium salt with the 3-chloro-2-hydroxypropanesulfonic acid sodium salt. In this regard the Examiner is requested to note that the subject matters of examples 8 to 13 and in comparative examples 13 to 14 exemplify the invention as claimed in amended claim 10 filed herewith (as originally disclosed in priority document 10-2002-0082938) but that the balance of the examples *do not exemplify the invention claimed in amended claim 10 filed herewith.*

To summarize then the object of the present invention as claimed in amended claim 10 is to provide a method for preparing a soft soap composition comprising a lot of salt (NaCl), specifically 2 to 15wt%, which is duly supported by Tables 6 and 7 of the present specification. In Table 1 which does not exemplify the invention claimed in amended claim 10 filed herewith as the Examiner pointed out, the salt (NaCl) is included at 0.7 to 3 wt%. However, the salt of Table 1 (NaCl) is externally added for preparing a soft soap composition, while the salt (NaCl) of claim 10 is internally produced as a result of reacting the fatty acid sodium salt with 3-chloro-2-hydroxypropanesulfonic acid sodium. The content of NaCl can be obtained by reacting equivalent ratios of the fatty acid sodium salt to the 3-chloro-2-hydroxypropanesulfonic acid sodium salt, from 1:0.1 to 1:1.2. In addition, as shown in Table 7, the soft soap prepared in Example 10, which contains 2 to 15wt% of NaCl, offers superior softness, removal of waste materials, and skin condition enhancement, and less skin irritation.

In light of the amendments to claim 10 and in light of the above explanation Applicants respectfully submit that amended claim 1 is clearly patentable over the disclosures of the GU Seiken reference (JP 2000-169879) mentioned by the Examiner.

As the Examiner has admitted, the GU Seiken reference discloses 1.0 wt% of NaCl is added as a separate component to the amalgamator to be amalgamated into the soap bar. The GU Seiken reference neither discloses, teaches nor suggests a method for preparing a soft soap containing NaCl wherein the soft soap contains 2 to 15 wt% of said NaCl and wherein said 2 to 15 wt% of NaCl is formed as a by product of the reaction of said fatty acid sodium salt with said

3-chloro-2-hydroxypropanesulfonic acid sodium salt (SCHS) as currently claimed in amended claim 10.

There are also further distinguishing limitations as claimed in amended claim 10. Contrary to the Examiner's assertion Applicants respectfully submit that GU et al. fails to disclose, teach or suggest that its fatty acid salt contains more than 60% of lauric acid and myristic acid. According to newly submitted Reference 1 which we attach hereto, all known palm oils do not contain more than 60% lauric and myristic acid. Since GU et al only discloses that its fatty acid is obtained from palm oil but does not disclose, teach or suggest that its palm oil is obtained from a species of palm oil containing more than 60% lauric and myristic acids then there is no direct and ambiguous disclosure in GU et al of the feature recited in claim 10 that the fatty acid salt contains more than 60 wt% of lauric acid and myristic acids. Applicants thus respectfully request the Examiner to withdraw his rejection based on the Examiner's assertion that GU et al discloses a method wherein the fatty acid salt contains more than 60 wt% of lauric and myristic acids, and submit that claim 10 is now allowable and respectfully request the Examiner to reconsider and pass the claim to issue.

Claims 11-12 depend from claim 10. In view of the above discussion, it is submitted that claim 10 is allowable, and at least for this reason claims 11-12 are also allowable.

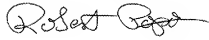
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In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,



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